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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,489	09/27/2001	Tetsuji Fuwa	110732	9315

25944 7590 12/09/2004

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

O'CONNOR, GERALD J

ART UNIT PAPER NUMBER

3627

DATE MAILED: 12/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,489

Applicant(s)

Fuwa

Examiner

O'Connor

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ONE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-34 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Election/Restriction

- I. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to a method comprising the visual display of an on-screen workspace or object, classified in class 345, subclass 764.
 - II. Claims 10 and 11, drawn to a method comprising the print preview display processing of a database document, classified in class 707, subclass 527.
 - III. Claims 12 and 13, drawn to a method of electrical communication by means of network signaling, classified in class 340, subclass 286.02.
 - IV. Claim 14, drawn to a method comprising an application of database or data structure (e.g., distributed, multimedia, image, etc.), classified in class 707, subclass 104.1.
 - V. Claims 15-19, drawn to a system comprising distributed or remote access to a document database, classified in class 707, subclass 10.
 - VI. Claims 20 and 21, drawn to an electronic shopping system comprising an arrangement for presenting an image or description of a sales item (e.g., electronic catalog browsing), classified in class 705, subclass 27.
 - VII. Claims 22 and 23, drawn to a networked electrical computer or digital processing system comprising remote server accessing, classified in class 709, subclass 219.

- VIII. Claim 24, drawn to a networked electrical computer or digital processing system comprising remote data accessing by means of interconnected networks, classified in class 709, subclass 218.
 - IX. Claims 25-29, drawn to a system for transmitting a facsimile comprising generation of a picture or image signal, classified in class 358, subclass 471.
 - X. Claims 30 and 31, drawn to a system comprising the processing of a database query, classified in class 707, subclass 3.
 - XI. Claims 32 and 33, drawn to an electrical computer or digital processing system comprising a virtual machine task or process management or task management control, classified in class 718, subclass 1.
 - XII. Claim 34, drawn to a system comprising accessing of a database or file, classified in class 707, subclass 1.
2. The inventions are distinct, each from the other because of the following reasons:
- Each of Inventions I-IV are related to each of Inventions V-XII, as process and apparatus for its practice. The inventions are distinct if it can be shown that *either*: (1) the process as claimed can be practiced by another, materially different apparatus, or by hand, *or* (2) the apparatus as claimed can be used to practice another, materially different process. (MPEP § 806.05(e)). In this case, each process as claimed can be practiced by another, materially different apparatus, or by hand, such as by each of Inventions V-XII.

Inventions V-VIII are each related to each of Inventions IX-XII, as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this case, Inventions IX-XII each have separate utility from each of Inventions V-VIII, such as for use in selling by means of telemarketing and facsimile machines. See MPEP § 806.05(d).

Inventions II, IV, VI, VIII, X, and XII are related to Inventions I, III, V, VII, IX, and XI, respectively, as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, *and* (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In this case, each combination as claimed does not require the particulars of the respective subcombination as claimed because a system in accordance with either Invention II or IV need not include transmitting any unique information from the client device. Each respective subcombination has separate utility by itself.

Inventions I and II are related to Inventions III and IV, respectively, as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In this case, Inventions III and IV have separate utility from Inventions I and II, such as for use in selling by means of telemarketing and facsimile machines. See MPEP § 806.05(d).

Inventions V, VI, IX, and X are related to Inventions VII, VIII, XI, and XII, respectively, as combination and subcombination. Inventions in this relationship are distinct if it can be

shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, *and* (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In this case, each combination as claimed does not require the particulars of the respective subcombination as claimed because a system in accordance with Invention V, VI, IX, or X need not include any corresponding information. Each respective subcombination has separate utility by itself.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. A telephone call was placed to Mr. James A. Oliff (Reg. N^o 27,075), attorney for applicant, on November 18, 2004, to discuss an oral election to the above restriction requirement, but the call did not result in an election being made.

5. Applicant is advised that the reply to this requirement, to be complete, *must* include an election of the invention to be examined, even if the requirement be traversed (37 CFR 1.143).

Conclusion

6. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(703) 305-1525**, and whose facsimile number is **(703) 746-3976**.

The examiner can normally be reached weekdays from 9:30 to 6:00.

Inquiries of a general nature or simply relating to the status of the application should be directed to the receptionist, whose telephone number is **(703) 308-1113**.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski, can be reached at **(703) 308-5183**.

Official replies to this Office action may be submitted by any *one* of fax, mail, or hand delivery. **Faxed replies are preferred and should be directed to (703) 872-9306** (fax-back auto-reply receipt service provided). Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be left with the receptionist on the seventh floor of Crystal Park Five, 2451 Crystal Dr, Arlington, VA 22202.

GJOC

November 18, 2004



Gerald J. O'Connor

Patent Examiner

Group Art Unit 3627